



City of Marietta

Meeting Minutes

CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, August 11, 2010

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Johnny Sinclair, Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor Tumlin called the meeting to order at 7:00 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Jim King to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the pledge of alliance.

PRESENTATIONS:

20100904 Keep Marietta Beautiful Recycling Logo Contest Winner

Presentation to Gary Crawford from Joan Ellars for his entry for the new recycling logo for the city of Marietta.

Presented

20100213 Recognition of Outstanding Service

Recognition of Kyethea Clark, Senior Urban Planner, Planning and Zoning Department and Jim Wilgus, City Engineer/Assistant Public Works Director, Public Works Department, for their outstanding efforts in obtaining multiple grants totaling \$3,554,885.00. Grant awards are as follows

Atlanta Regional Commission (ARC), Livable Centers Initiative (LCI) - \$3,016,798 (80% federal amount). Funding to construct transportation improvements including intersection improvements, landscaped medians, sidewalks, and pedestrian lighting that will improve and beautify the Franklin Road (Franklin Road Improvement Phase A) corridor. The project will begin at Twinbrooks Drive and will end at Wood Glen Apartments (875 Franklin Road).

GDOT Gateway Grant - \$45,575 (100% funded) - Adds landscaping to create significant gateways into the city. Project limits are along the North Loop from Polk Street to Kennesaw Ave Pedestrian Bridge (along the sloped hill).

Safe Routes to School - \$492,512 (100% federal funds) - This is a joint application with Marietta City Schools to improve sidewalk and other pedestrian improvements at 4 schools (West Side Elem., Park Elem. A.L. Burruss and Marietta Middle Schools), improving the safety of students walking or bicycling to school.

Presented**PROCLAMATIONS:****ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**

City Manager Bill Bruton gave an update from the recent Marietta Housing Authority meeting.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

The following amendments were made to the consent agenda:

-under City Attorney's Report: Agenda item 20100886 was added to the consent agenda.

-under Economic/Community Dev: Agenda item 20100844 was added to the consent agenda and amended to read, "Motion to approve the Resolution authorizing the submittal of the City's FFY2011CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of

Housing and Urban Development (HUD) Program and further, approving the use of \$548, 504 of CDBG FFY'2011 funds the city will receive from HUD." The allocation for the Marietta Redevelopment Corporation (MRC) was removed and referred back to the Committee Meeting for further discussion.

A motion was made by Council member King, seconded by Council member Sinclair, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

MINUTES:

*** 20100905 Regular Meeting - July 14, 2010**

Review and approval of the July 14, 2010 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20100880 Special Meeting - July 16, 2010**

Review and approval of the July 16, 2010 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20100881 Special Meeting - July 28, 2010**

Review and approval of the July 28, 2010 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20100886 Executive Session**

Denial of the claim of Lisa Thompson.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

CITY MANAGER'S REPORT:

20100892 Marietta Police Chief Daniel Flynn was awarded Georgia Chief of the Year by the Georgia Association of Chiefs of Police (GACP) in Savannah Tuesday, July 27th. Chief Flynn is presently not with us because he is in Washington being inducted into the Police Hall of Fame. Chief Flynn will be in attendance at the September 8th council meeting.

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

* **20100723 Section 8 Management Assessment Program (SEMAP) 2010 Certification**

[Res 1496](#)

Approval of a Resolution authorizing the acceptance of the Section 8 Management Assessment Program (SEMAP) for FY 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20100844 2011 CDBG Program Funding**

[Res 1497](#)

Approval of a Resolution authorizing the submittal of the City's FFY2011CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD) Program and further, approving the use of \$678,504 of CDBG FFY'2011 funds the city will receive from HUD.

Motion to approve the Resolution authorizing the submittal of the City's FFY2011CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD) Program and further, approving the use of \$548, 504 of CDBG FFY'2011 funds the city will receive from HUD.

The allocation for the Marietta Redevelopment Corporation (MRC) was removed and referred back to the Committee Meeting for further discussion.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20100845 2011 HOME Program Funding**

Res 1498 Approval of a Resolution approving the use of \$282,883 (or the amount remaining after HUD required set aside) of FFY'2011 HOME funds the city will receive from the allocation and its participation in the Georgia Urban County Consortium for the reconstruction/replacement of low and moderate income, owner occupied homes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

2. Finance/Investment: Annette Lewis, Chairperson

* **20100858 Marietta Growth Fund**

[Ord 7490](#) Approval of a budget amendment to receive and appropriate funds for the Marietta Growth Fund.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20100882 Moore & Cubbedge Letter of Engagement**

[C/A 3793](#) Motion to authorize execution of a Letter of Engagement with Moore & Cubbedge to conduct the financial audit for FY2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20100841 Amendment of Agreement**

[C/A 3794](#) Motion approving an amendment to the May 5,2009 agreement between Associate Judge Melinda Taylor and the City of Marietta for the purposes of conducting jail arraignments at secondary jail location.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20100842 Indigent Legal Defense Agreement**

[C/A 3795](#) Motion approving an Agreement for services by Attorney Larry Yarbrough for purpose of conducting legal indigent defense of those qualified and appearing in Marietta Municipal Court.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

*** 20100846 Land acquisition sub-committee representation**

Motion to approve a recommendation to council from the Citizen's Advisory Committee for Marietta Parks (CACMP) to appoint Johnny Sinclair as liaison to the Land Acquisition sub-committee of the CACMP.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20100852 Baseball Programs at Aviation Softball Complex

[C/A 3809](#)

Motion to approve an agreement with 6-4-3-DP to provide baseball programs at the Aviation Softball Complex.

In depth discussion was held and amendments were made to the agreement with 6-4-3-DP.

Motion to approve an agreement with 6-4-3-DP to provide baseball programs at the Aviation Softball Complex, as amended.

The motion was made by Council member Chalfant, seconded by Council member King, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 5 - 2 - 0

Approved as Amended

Voting Against: Annette Lewis and Philip M. Goldstein

20100919 Aviation Sports Complex Funding

Motion authorizing funding for the \$600,000 investment to the Aviation Sports Complex shall consist of the \$100,000 already allocated in the line item 'Improvements to Existing Parks and Facilities (Aviation Sports Complex)' and \$500,000 from the line item 'Development of Parks, facilities, Trails and Greenspace (new and existing)'.

The motion was made by Council member King, seconded by Council member Chalfant, to approve this matter.

A substitute motion was made by Council member Lewis, seconded by Council member Goldstein, to authorizing funding for the \$600,000 investment to the Aviation Sports Complex shall consist of the \$100,000 already allocated in the line item 'Improvements to Existing Parks and Facilities (Aviation Sports Complex)' and \$500,000 from the excess revenue from the bond.

In depth discussion was held regarding the substitute motion.

The motion failed by the following vote:

2 - 5 - 0

Failed

Voting Against: Grif Chalfant, Johnny Sinclair, Jim King, Van Pearlberg and Rev. Anthony Coleman

Mayor Tumlin called for a vote on the original motion.

Motion authorizing funding for the \$600,000 investment to the Aviation Sports Complex shall consist of the \$100,000 already allocated in the line item 'Improvements to Existing Parks and Facilities (Aviation Sports Complex)' and \$500,000 from the line item 'Development of Parks, facilities, Trails and Greenspace (new and existing)'.

The motion carried by the following vote:

Vote: 6 - 1 - 0

Approved

Voting Against: Philip M. Goldstein

5. Personnel/Insurance: Van Pearlberg, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

*** 20100832 Standard Operating Procedure**

Motion approving revisions to the following Standard Operating Procedures for the Marietta Police Department: A032 Personnel Manager; A038 Recruitment; A042 Awards & Commendations; A044 Uniforms Equipment Departmental Property; A048 Administrative Protocol; A051 Media & Public Relations; A054 Assignments; A073 Building Security; A078 Transfers; C022 SRO Program.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

7. Public Works Committee: Jim King, Chairperson

*** 20100661 No Parking Signs**

Motion authorizing Public Works to install 25mph speed limit signs along Frasier Street from Alexander to Lakewood Dr. and the following signs along the following sections of public streets:

No Parking signs along both sides of Frasier Street from Alexander Street to Lakewood Drive;

No Parking signs along both sides of Alexander Circle from Frasier Street to Phillips Drive;

No Parking signs along both sides of Lakewood Avenue from Stokes Avenue to Manget Street.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

*** 20100838 Request for No Parking Zone along Dickson Avenue**

Motion to approve request from the Marietta Fire Department and Signature Healthcare to install No Parking signs along the north side of Dickson Avenue and along the south side of the west end of Dickson Avenue where parking spaces are not marked.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

*** 20100839 Public Private Partnership (P3) Memorandum of Understanding**

[C/A 3796](#)

Motion to approve the Public Private Partnership (P3) Memorandum of Understanding for the relocation of utilities for the GDOT I-75 HOV project.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

*** 20100840 Powder Springs Street Multi-use Trail Right of Way Contract**

[C/A 3798](#)

Motion to approve the contract from the Georgia Department of Transportation for the purchase of Right of Way for the Powder Springs Street Multi-Use Trail project.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

*** 20100856 Georgia DNR Memorandum of Agreement**

[C/A 3797](#)

Motion approving a Memorandum of Agreement with the Georgia Department of Natural Resources outlining City participation shown in the May 28, 2010 Partner Floodplain Mapping Scoping Report for Cobb County, Ga., GA DNR: MAS FY09.09.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

Bishop Perry Price spoke regarding spending of the Parks Bond funds.

OTHER BUSINESS:*** 20100903 Property Casualty/Miscellaneous Coverage's**

Motion approving the property casualty and other miscellaneous coverage's, premiums and companies utilized for the policy period of August 16, 2010 to August 15, 2011 as follows

1. Trident/Argonaut through BB&T/McGriff, Seibels & Williams of Georgia, Inc. as Brokers for the following coverage's: GL, Law, Public Officials [City & BLW], Property, Flood, Earthquake, Terrorism, Inland Marine, Boiler & Machinery, Public Employee Blanket Crime.
2. Midwest Insurance Co. through BB&T/McGriff, Siebels & Williams of Georgia, Inc. as Brokers for Excess Workers' Compensation.
3. Travelers Casualty & Surety., through BB&T/McGriff, Seibels & Williams of Georgia, Inc. as Brokers for Fiduciary Responsibility, various Public Officials' Bonds and the BLW Pole Attachment Bond for Bell South Telecommunication, Inc.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20100790 BLW Actions of July 6, 2010**

Review and approval of the July 6, 2010 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

BLW Actions of August 9, 2010*** 20100906** Review and approval of the August 9, 2010 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ADJOURNMENT:

The meeting was adjourned at 7:55 p.m.

Date Approved: _____

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk